

REMARKS

Claims 1-28 are pending in the application. Claims 1-28 stand rejected,

Claims 1-5, 7-15, 17-24 and 26-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by USP No. 6,208,693 to Chen. It is the examiner's position that Chen discloses each and every element of the present invention.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claim. It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Chen discloses a system for encoding video objects by first defining a bounding box and then determining the shape of the video object within the bounding box. More specifically, Chen notes that the "shape mask generator 249 compares each pixel value (in the reconstructed pixel signal) to the chroma-key value (or a range of values near the chroma-key color. By comparing the pixels values to the chroma-key value the shape mask generator 249 can determine which pixels are located within the object and which pixels are located outside the object and thereby identify the original shape of the object in the VOP." (see col. 6, lines 37-44). Accordingly, the shape mask referred to by Chen is determined by the shape of the object. Chen does not teach "a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object," as is recited in claim 1. Chen teaches that the object shape is the mask that is referred to.

Chen can not be said to anticipate the invention recited in independent claim 1, because Chen fails to disclose each and every element of the invention claimed. Accordingly, the subject matter recited in claim 1 is patently distinguishable from, and allowable over, the Chen device.

Having shown that Chen does not include each and every element claimed, applicant submits that the reason for the examiner's rejection have been overcome and can no longer be sustained. Applicant, thus, respectfully requests withdrawal of the rejection, and allowance of the claim.

With regard to independent claims 11 and 20, the examiner rejected these claims reciting the same reason used to reject claim 1. However, claims 11 and 20 each disclose the element "a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object," which is recited in claim 1. Accordingly, claims 11 and 20 also include subject matter not disclosed by Chen and, thus, for the same remarks made with regard to claim 1, are patently distinguishable from the Chen device.

Having shown that Chen does not include each and every element claimed, applicant submits that the reason for the examiner's rejection have been overcome and can no longer be sustained. Applicant, thus, respectfully requests withdrawal of the rejection, and allowance of claims 11 and 20.

With regard to claims 2-4, 7-10, 12-15, 17-19, 24, and 26-28, these claims depend from claims 1, 11 and 20, respectively, which have been shown to be patently distinguishable over the cited reference. Accordingly, these claims are also patently distinguishable and allowable over the cited reference by virtue of their dependency upon an allowable base claims.

Claims 6, 16 and 25 stand rejected pursuant to 35 USC §103 as being unpatentable over Chen in view of USP No. 6,611,628 to Sekiguchi. It is the examiner's position that "Chen discloses an object evaluation system ... Chen does not specifically disclose ... whether the video object shape is substantially circular. However, Sekiguchi teaches a system where the substantial roundness or circularity ... can be determined. [I]t would be obvious ... to incorporate Sekiguchi's teaching into Chen's video encoding system ... for efficiently encoding of image features."

Applicant respectfully disagrees with, and explicitly traverses the examiner's reasons for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest **all** the claim limitations.

As noted above, Chen fails to include all the elements of the invention as recited in independent claims 1, 11 and 20, from which claims 6, 16 and 25 depend. Chen fails to teach or suggest "a mask generation system that generates one of a plurality of mask types for the video object based on the evaluation of the video object" or "video object shape [that] is substantially circular," as is claimed.

Sekiguchi teaches a method of image feature coding and searching. More specifically, Sekiguchi teaches the extraction and encoding of features of a video signal so as to generate a feature stream. One of the parameters that Sekiguchi teaching for extracting video objects is a user supplied "shape information (such as 'round...)," that is referred to by the examiner. Thus, under user direction, shapes that are "round" can be determined based on the application of the appropriate search criteria. However, Sekiguchi does not teach or suggest a system that after a circular object is extracted that a mask type is determined based on the extracted object shape.

However, even if the teachings of Chen and Sekiguchi can be combined, as suggested by the examiner, the combined device would not include all the elements of the present invention and alternatively can be shown not to operate as is claimed. For example, if a circular search criteria were selected by the device of Sekguchi, and a circular object were extracted from a video image by the device of Chen, the combined device would not generate a mask type based on the evaluation of the video object performed by Sekiguchi. Rather, the mask would be the video object. On the other hand, if a circular search criterion were selected by the device of Sekiguchi and a circular object was not extracted from a video image, then the combined device would teach away from the teachings of Chen. In this case, the Chen device would extract the shape of the object by "comparing the pixel values to the chroma-key value, ... the shape mask generator can determine which pixel are located within the object and which pixels are located outside of the object and thereby identify the original shape of the object." (see

col. 6, lines 39-44). Hence, the shape is determined independent of the search criterion that is provided by Sekiguchi.

Accordingly, the combined device cannot render obvious the present invention because the combined device would not perform all the operations recited in the present claims of the present invention.

With regard to claims 16 and 25, the examiner rejected these claims reciting the same reason used to reject claim 6. However, claims 16 and 25 recite the same subject matter that is recited in claim 6. Accordingly, claims 16 and 25 also include subject matter not disclosed by the combined device of Chen and Sekiguchi and, thus, for the same remarks made with regard to claim 6, cannot be rendered obvious as suggested by the examiner.

Notwithstanding the remarks made with regard to claims 6, 16 and 25 made above, these claims also depend from claims 1, 11, and 20, which have been shown to be patently distinguishable from the Chen reference cited. Accordingly, claims 6, 16 and 25 are also allowable by virtue of their dependency from an allowable base claim.

Having shown that the device suggested by the examiner does not include all the elements of the instant invention claimed, applicant submits that the reason for the examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

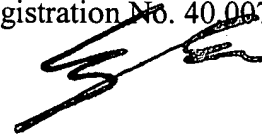
Having addressed the examiner's objections and rejections under 35 USC §§ 102, 103, applicant submits that for the amendments and remarks made herein the reasons for the examiner's rejections have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejections and the issuance of a Notice of Allowance.

Should any unresolved issues remain that the examiner believes may be resolved via a telephone call, the examiner is invited to call Applicant's attorney at the telephone number below.

No fees are believed necessary for the filing of this Amendment and Response. However, the Commissioner for Patents is hereby authorized to charge any additional fees, including fees for extensions of time or credit any excess payment that may be associated with this communication to the deposit account number on file.

Respectfully submitted,

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